

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARINA AYZENBERG,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	No.2: 08-CV-3361 PSD
	:	
ANDREW MOGILYANSKY, et al.,	:	
Defendants.	:	

CERTIFICATION OF PRODUCTION

Defendant, Andrew Mogilyansky, by his counsel Tupitza & Associates, P.C. certifies that in compliance with this Court Order dated September 14, 2009 (Document 102) he provided, prior to noon on September 16, 2009, the following items by e-mail to Plaintiff's counsel:

1. A true and correct copy of the August 25, 2009 letter addressed to the Court.
2. An un-redacted copy of the e-mail sent to the FBI, forwarded to counsel, (see Exhibit "A") in exactly the same format as was the email sent to the FBI, with all attachments intact. The e-mail was forwarded by Defendant's wife, directly from Defendant's "Sent Mail Box" to Defendant's counsel and in turn directly forwarded to Plaintiff's counsel without editing or any other modification.
3. A copy of a screen shot (Exhibit "B" attached hereto) from Defendant's counsel's email system confirming that the system would had blocked access to the attachment, and not showing the attachment in the list of attachments, although it is mentioned as blocked by name, RYP.mdb.

4. Defendant also certifies that his counsel spoke this day with FBI agent, Peter Kowenhoven, who confirmed that the attachment was also blocked in the e-mail received by him and subsequently deleted without having been opened.

Respectfully Submitted:

September 17, 2009

James S. Tupitza

James S. Tupitza, attorney for Andrew
Mogilyansky

Exhibit "A"

Jim Tupitza

From: Jim Tupitza
Sent: Thursday, September 17, 2009 10:34 AM
To: 'Goldin, Ely'
Subject: RE: Mogilyansky
Attachments: James S Tupitza2.vcf

Ely:

I forwarded to you the exact e-mail sent to the FBI. Is your e-mail system doing what ours does? Ours blocked the attachment and prevented us from opening it. I suspect that the same was true at the FBI since Peter Kowenhoven said he never used it. I can have Oksana try to resend it to you directly, but if your post office is blocking it, you will have the same result.

I understand that you represent the direct competitor to the Russian Yellow Pages, so it is easy for me to understand why you want the confidential information. That said, I can only give you what I have and what Andrew sent to the FBI.

Jim



James S. Tupitza
Tupitza & Associates, P.C.
jim@tupitzalaw.com
610-696-2600 fax 610-344-7199

This e-mail may contain confidential or legally privileged information. If you are not the intended recipient, you must not use, distribute, copy or disclose this e-mail or any attachments. If you have received this e-mail in error, please tell us by return e-mail. Les informations contenues dans cet e-mail sont confidentielles et exclusivement destinées à la personne à qui elles sont adressées.

Si vous avez reçu cet e-mail par erreur, merci de nous prévenir en nous le retournant.

Disclosure Required by Internal Revenue Service Circular 230:

In accordance with IRS requirements, we wish to inform you that, to the extent that this communication contains tax advice, it is not intended or written to be used for the purpose of 1) avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service, or 2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: Goldin, Ely [mailto:EGoldin@foxrothschild.com]
Sent: Wednesday, September 16, 2009 12:06 PM

To: Jim Tupitza
Subject: RE: Mogilyansky

Jim:

With regard to your 2 emails:

1. I acknowledge receipt of your letter to Judge Diamond. I will address the substance of your letter separately.
2. I acknowledge receipt of a .pdf file that contains an affidavit of service (or attempted service as the case may be) from Metro. This is not a "confidential" document.
3. I acknowledge receipt of a "screen shot" showing the FBI email and an attachment of a file called "Len-Service-Bucks".
4. I acknowledge receipt of the unredacted FBI email.
5. I do not have the database file. It is not attached to any email that you sent today. Please provide me with the database file as per the Court's Order.

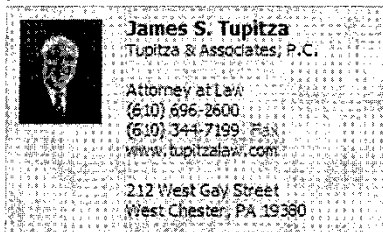
Ely Goldin

From: Jim Tupitza [mailto:Jim.Tupitza@tupitzalaw.com]
Sent: Wednesday, September 16, 2009 9:43 AM
To: Goldin, Ely
Subject: Mogilyansky

Ely:

By separate email I will directly forward the e-mail sent to the FBI. As you can see by the attached file "email.jpg" we were not able to even open it in this office as our anti-spam software blocked it. I also enclose the 8/25 letter to the judge.

Jim



James S. Tupitza
Tupitza & Associates, P.C.
jim@tupitzalaw.com
610-696-2600 fax 610-344-7199

This e-mail may contain confidential or legally privileged information. If you are not the intended recipient, you must not use, distribute, copy or disclose this e-mail or any attachments. If you have received this e-mail in error, please tell us by return e-mail. Les informations contenues dans cet e-mail sont confidentielles et exclusivement destinées à la personne à qui elles sont

adressées.

Si vous avez reçu cet e-mail par erreur, merci de nous prévenir en nous le retournant.

Disclosure Required by Internal Revenue Service Circular 230:

In accordance with IRS requirements, we wish to inform you that, to the extent that this communication contains tax advice, it is not intended or written to be used for the purpose of 1) avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service, or 2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

ATTENTION:

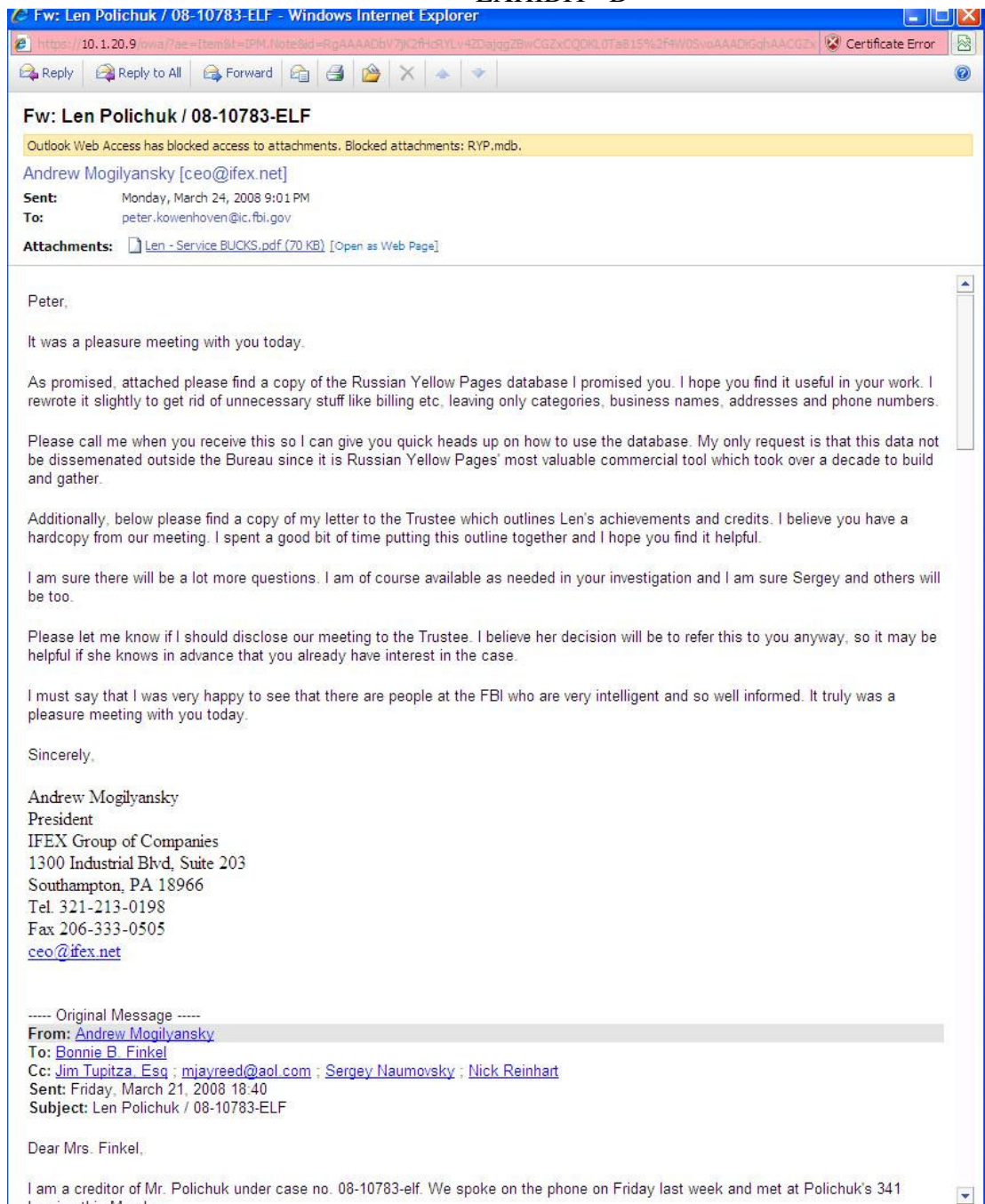
IRS CIRCULAR 230 DISCLOSURE:

Pursuant to Treasury Regulations, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used or relied upon by you or any other person, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax advice addressed herein.

This e-mail contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Individual(s) named above. If you are not the intended recipient of this e-mail, or the employee or agent responsible for delivering this to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (215)-299-2167 or notify us by e-mail at helpdesk@foxrothschild.com. Also, please mail a hardcopy of the e-mail to Fox Rothschild LLP, 2000 Market Street, Philadelphia PA 19103-3291 via the U.S. Postal Service. We will reimburse you for all expenses incurred.

Thank you.

EXHIBIT "B"



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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARINA AYZENBERG,	:	CIVIL ACTION
Plaintiff,	:	
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v.	:	No.2: 08-CV-3361 PSD
	:	
ANDREW MOGILYANSKY, et al.,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

The foregoing Certification has been filed using the ECF system and, therefore, shall be automatically sent to all parties entitled to serve under Federal Rules of Civil Procedure. All parties are represented by counsel.

Respectfully submitted,

Dated: September 17, 2009

By: /s/ James S. Tupitza, Esq.
James S. Tupitza, Esquire
Attorney I.D. 22761
212 West Gay Street
West Chester, PA 19380
610-696-2600
*Attorney for Defendant
Andrew Mogilyansky*